

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-26 are pending in this application.

**Objection to the Claims:**

Claims 10-11 were objected to because of informalities. Claim 11 has been amended in accordance with the Examiner's helpful suggestion. Claim 10 has also been amended to further clarify "constraint information." Applicant thus respectfully requests entry of the claim amendments and withdrawal of the objection to claims 10-11.

**Rejections Under 35 U.S.C. §102 and §103:**

Claims 17-22 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over "Koreeda (US-5781731) in view of Applicant Admission (prior art at p.23, l.18 to p.25, l.12)." Applicant respectfully traverses this rejection.

The above-noted portion of the specification (page 23, line 18 to page 25, line 12) does not constitute prior art as alleged by the Office Action. In particular, this portion of the specification describes Fig. 10 which relates to an embodiment of the present invention, not admitted prior art. Indeed, page 5, lines 17-18 of the specification states "Figure 10 is a flow diagram of the diary entry process according to a second embodiment." There is no admission, implicit or explicit, that the embodiment relating to Fig. 10 constitutes prior art.

As a more particular example, section 5a of the Office Action states "Applicant Admission teaches removing events (S10.1), allocating start time and duration (S10.2)...." There is no admission that these steps constitute admitted prior art.

Accordingly, the rejection of claims 17-22 over Koreeda and page 23, line 18 to page 25, line 12 (which does not constitute admitted prior art) is deficient on its face.

Again, Fig. 10 describes an embodiment of the present invention, not admitted prior art.

Claims 1-16, 23, 24 and 26 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Koreeda (U.S. '731). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Koreeda. For example, Koreeda fails to disclose the following limitations required by independent claim 1 (similar, but not necessarily identical comments apply to independent claims 14 and 26):

“(iii) means arranged to access a temporal schedule which stores associated allocated times in respect of at least one previously allocated event;...”

and where the apparatus includes processing means for:

“(b) reviewing temporal preference information corresponding to at least one previously allocated event, together with the temporal preference information for the processable event in order to identify an available time for the processable event in the temporal schedule that satisfies both types of the temporal preference information corresponding to both of the at least one processing allocated event and of the processable event.”

Section 4a (pages 3-4) of the Office Action apparently alleges that col. 10, line 34 to col. 11, line 4 discloses the above claimed features. Applicant respectfully disagrees.

Col. 10, line 34 to col. 11, line 4 states the following:

“When receiving the conference conditions set by the user 810a in step 410 as described previously from the user interface agent 820a, the conference sponsor agent 830a proceeds to step 420. In step 420, the conference conditions are notified to the respective schedule management agents 840a, 840b...of the personal agents 800a, 800b...of the requested attendants, including the conference sponsor, so as to inquire of them about schedule conditions of individual persons.

Responsive to the inquiry, each of the schedule management agents 840a, 840b...of the personal agents 800a, 800b...answers an available time zone for attending a conference within a given range. If not accommodated, an answer may be a proposal for partial change of the conditions set by the conference sponsor.

When receiving all messages in step 430, the conference sponsor agent 830a proceeds to step 440 in which schedule conditions are decided. Then, in step 450, it is decided whether the conference is to be held. If the schedule is not met under the set conditions and the conference cannot be held, the program proceeds to step 540 in which the conference conditions are changed and then the program returns to the step 420 in which schedules of the requested attendants are again inquired. This route is repetitively traced until a schedule for permitting the conference to be held can be settled on. In the conference condition change carried out in step 540, the contents of an answer proposed by requested attendants, such as "change of place to X is desired" or "extension to X day of X month or after is desired", is first reflected on the condition change. If, even in this phase, the conference giving conditions are not met or no proposal is made by the requested attendants, the condition for the date is mitigated on trial. For example, a condition of "afternoon" is excluded from "in the afternoon of X day of X month", "around X day of X month" is extended to "one day to two days before or after X day of X month", or "within one week" is changed to "within two weeks" and inquiries are again made."

This portion of Koreeda merely discloses generating and sending schedules to respective schedule management agents 840a, 840b of respective personal agents 800a, 800b based upon schedule information input from each of the users 810a, 810b. This portion of Koreeda is only concerned with scheduling of a single event based on the inputs from the users. There is no teaching or suggestion in Koreeda of scheduling an event with respect to a previously allocated event, let alone reviewing temporal preference information corresponding to the previously allocated event in order to identify a time that satisfies temporal preference information corresponding to the previously allocated event and the event.

If the next Office Action maintains the rejection in view of Koreeda, Applicant respectfully requests that the next Office Action point out specifically which part of the above-noted passage of Koreeda discloses the claimed limitations discussed above.

Section 8 of the Office Action argues “The examiner points out that the referenced limitation is simply adding an event to a schedule that already contains events. As such the Koreeda reference meets the claims as discussed above.” However, Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention (emphasis added). See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574 (Fed. Cir. 1986). The absence of any element of the claim from the cited reference negates anticipation (emphasis added). See, e.g., *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., *Structural Rubber Prods.*, 749 F.2d at 716-17.

Accordingly, even if the Office Action is correct (Applicant submits that it is not) that “the referenced limitation is simply adding an event to a schedule that already contains events,” Koreeda fails to anticipate the claimed invention since for example the above-noted portion of Koreeda fails to disclose every claim element as this portion merely discloses scheduling of a single event and fails to disclose a scheduling event with respect to (another) previously allocated event. Again, “Anticipation is not shown even if the differences between the claims and the prior art are insubstantial.” See, e.g., *Structural Rubber Prods.*, 749 F.2d at 716-17. Moreover, the Office Action’s allegation

that the “referenced limitation is simply adding an event to a schedule” is incorrect.

Claim 1 explicitly requires “reviewing temporal preference information corresponding to the at least one previously allocated event, together with the temporal preference information for the processable event in order to identify an available time for the processable event in the temporal schedule that satisfies the temporal preference information corresponding to both of the at least one previously allocated event and of the processable event (emphasis added).” Col. 10, line 34 to col. 11, line 4 fails to teach or suggest reviewing and then utilizing temporal preference information corresponding to at least one previously allocated event to identify a time as explicitly required by claim 1.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn.

Claim 24 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Koreeda in view of Barr (U.S. ‘705). Claim 25 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Koreeda in view of Barr in further view of Hutchinson (U.S. ‘670). Applicant respectfully traverses these rejections. Neither Barr nor Hutchinson remedies the above described deficiencies of Koreeda. Accordingly, Applicant thus respectfully requests that the above noted rejections under 35 U.S.C. §103 be withdrawn.

***BENHAM et al.***  
***Application No. 09/806,702***  
***June 22, 2006***

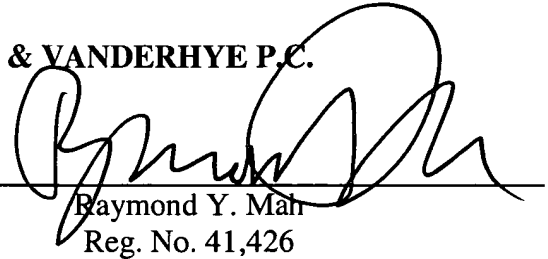
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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